

PATENT

Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 2-3, 5, 22, 36-39, and 42 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 4, 6-21, 23-35, 40, 41, and 43-45 remain pending, of which claims 1, 20 and 40 are independent.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 6-10, 12-21, 23-35, 40, 41 and 43-45 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Melahn et al. (2003/0145306).

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Melahn et al. (2003/0145306) as applied to claim 9 above, and further in view of Leherbauer (2003/0033590).

The above rejections are respectfully traversed for at least the following reasons.

Claim Rejection under 35 U.S.C. §112, second paragraph

The Office Action rejected claim 1 because it alleged that the term "tuple" in claim 1 is used by the claim to mean "statement," which is indefinite because "the specification does not clearly redefine the term" to afford the applicant to be his or her own lexicographer. Thus, for purposes of examination in the Office Action, the term "tuple" is interpreted as a statement.

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Claim 1 clearly states that "the data model includes *a tuple in a format and order comprising the first object identifier, the relation identifier, the second object identifier.*" (Emphasis added). Thus, there is no indication in the language of claim 1 that "tuple" merely means a "statement" as alleged in the Office Action, and it is not quite clear how the Office Action came to such a conclusion in view of such a clear language. Indeed, the specification in paragraphs [0032] and [0033] also clearly states that a tuple includes "First Object Identifier Relation Identifier Second Object Identifier." Thus, there was no intention in the present application to use the term "tuple" other than its common meaning in the art.

Accordingly, it is respectfully submitted that the interpretation of the term "tuple" in claim 1 to merely mean a "statement" in the Office Action is without any basis. Therefore, such an interpretation is incorrect, and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

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Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 4, 6-10, 12-21, 23-35, 40, 41 and 43-45 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Melahn et al. (2003/0145306).

Independent claim 1

As noted above, the Office Action misinterpreted the term "tuple" to mean "statement" in claim 1 in order to reject the claim with Melahn et al. Thus, it is respectfully submitted that claim 1 is allowable because Melahn et al. fails to disclose "*a tuple*" as commonly understood in the art. Furthermore, Melahn et al. fails to disclose any "statement" that is "*in a format and order comprising the first object identifier, the relation identifier, the second object identifier.*" Indeed, as cited in the Office Action, block 166 in FIG. 3A of Melahn et al. is merely a conditional statement for determining whether a host source file is up-to-date with respect to a repository source file.

Claim 1 also recites, *inter alia*, "a relation identifier identifying a relationship between the first object and the second object." The Office Action cited to a source file in Melahn et al. to anticipate the claimed first object, a target file in Melahn et al. to anticipate the claimed second object, and build tools 114 (FIG. 2) in Melahn et al. to anticipate the claimed relation identifier. However, paragraph [0027] in Melahn et al. states that the build tools 114 are used to build target files and may include well known compilers. As well known in the art, a compiler is used to compile a source code/file into an object code/file. Thus, the build tools 114 with compilers therein are used to create a target file from a source file, and such tools

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cannot be used to identify a relationship between the source and target files absent some other explicit identification of those two files.

Because Melahn et al. fails to teach each and every element as arranged in claim 1, it fails to anticipate claim 1 and corresponding dependent claims 4 and 6-19. Accordingly, withdrawal of the rejection of claims 1, 4, and 6-19 and their allowance are respectfully requested.

Independent claim 20

Claim 20 recites, *inter alia*,

"storing a relation meta data identifying a relationship between the first object and the second object, wherein the relationship is represented by a data model including a first identifier identifying the first object; a second identifier identifying the second object; and a relation identifier identifying the relationship between the first object and the second object."

As discussed above with respect to claim 1, Melahn et al. fails to disclose any statement or relation meta data identifying a relationship between the first object and the second object.

As also discussed above with respect to claim 1, Melahn et al. further fails to disclose the claimed relation identifier.

Additionally, claim 20 recites, *inter alia*,

identifying a predetermined condition associated with the first object in response to the first object being accessed; and
performing an action in response to the predetermined condition existing, wherein the relation identifier identifies the predetermined condition and the action.

It is respectfully submitted that Melahn et al. fails to disclose any identification of a predetermined condition as claimed so as to perform an action in response to such a predetermined condition as claimed. Indeed, the Office Action

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failed to even mention such claimed features or where such features are disclosed in Melahn et al.

Accordingly, withdrawal of the rejection of claim 20 and corresponding dependent claims 21 and 23-35 and their allowance are respectfully requested.

Independent claim 40

Claim 40 recites, *inter alia*,

“a data model represents the relationships and the data model comprises a first object identifier identifying a first object wherein the first object includes a file of the plurality of files, a second object identifier identifying a second object wherein the second object includes one of a second file of the plurality of files and semantic information for the first file, and a relation identifier identifying a relationship of the relationships between the first object and the second object.”

As discussed above with respect to claim 1, Melahn et al. fails to disclose any statement or data model identifying or representing a relationship between the first object and the second object. As also discussed above with respect to claim 1, Melahn et al. further fails to disclose the claimed relation identifier.

Additionally, claim 40 recites, *inter alia*,

“wherein the system further comprising event means for determining whether a file of the plurality of files is accessed, *identifying a predetermined condition associated with the file, and performing an action in response to the predetermined condition existing.*” (Emphasis added).

It is respectfully submitted that Melahn et al. fails to disclose any identification of a predetermined condition as claimed so as to perform an action in response to such a predetermined condition as claimed. Indeed, the Office Action failed to even mention such claimed features or where such features are disclosed in Melahn et al.

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Accordingly, withdrawal of the rejection of claim 40 and corresponding dependent claims 41 and 43-45 and their allowance are respectfully requested.

Dependent claims 15 and 31

Claims 15 and 31 further recite, *inter alia*, context or context-based semantic information that is "being associated with access patterns for the first object." The Office Action cited to paragraph [0030] in Melahn et al., which merely states that the repository 104 may be configured "to allow access by specified content developers." Thus, it is respectfully submitted that Melahn et al. does not show the use of any "access patterns" for association with context-based semantic information as claimed.

Accordingly, claims 15 and 31 are further allowable over Melahn et al. and other references of record.

Claim Rejection Under 35 U.S.C. §103

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Melahn et al. in view of Leherbauer.

It is respectfully submitted that, for at least the reasons set forth earlier with respect to independent claim 1, dependent claim 11 is not anticipated by Melahn et al. In addition, the Office Action did not rely upon Leherbauer to make up for the deficiencies in Melahn et al. Indeed, Leherbauer fails to show any tuple or relation identifier as claimed.

Accordingly, claim 11 is also allowable over the references of record.

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Conclusion

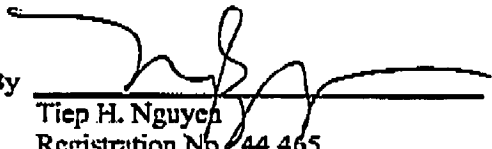
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 4, 2008

By


Tiep H. Nguyen
Registration No. 44,465

Ashok K. Mannava
Registration No.: 45,301

MANNAVA & KANG, P.C.
11240 Waples Mill Road
Suite 300
Fairfax, VA 22030
(703) 652-3819 (or 3822)
(703) 865-5150 (facsimile)